

THIRTY-EIGHTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 23, 1887. }

The Senate met pursuant to adjournment.

Lieut. Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston,

The reading of the Journal of yesterday was dispensed with.

SENATOR M'DONALD

Asked to have the Journal corrected on page 4, first column, to strike out \$5,000 and insert \$500.

Journal corrected.

SENATOR POPE

Asked to have the Journal of yesterday to show that Senator McDonald's speech on substitute Senate bill No. 22, the Commissioners' bill was against the constitutionality and expediency of such a measure.

REPORTS OF STANDING COMMITTEES.

BY SENATOR GREGG:

COMMITTEE ROOM, }
AUSTIN, February 22, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 44, entitled:

"An act to require railway corporations, when they fence their right of way, or when they have already fenced it, to leave or make certain crossings therein, and to provide a penalty for the violation hereof," have carefully considered the same and instruct me to report it back to the Senate with the accompanying substitute, and to recommend that the substitute do pass.

The bill seeks to create a law whereby all railroad corporations which fence the right of way of the road, as many have already done, to make or leave open crossings at distances not exceeding one and one half miles from each other, and provides that where such crossings are not left open the corporation may be forced to open them on the application of two citizens

living or owning land within five miles of such demanded crossing.

All of which is respectfully submitted.

GREGG, chairman.

Bill and substitute read first time.

COMMITTEE ROOM. }
AUSTIN, February 22, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 116, entitled:

"An act to amend title 20, of the Revised Civil Statutes, by adding another chapter thereto, to be styled chapter fourteen (14)," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

COMMITTEE ROOM. }
AUSTIN, February 22, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 173, entitled:

"An act to amend chapter 10 of the Revised Civil Statutes by adding thereto Articles 4226a, 4226b and 4226c," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do lie on the table subject to call, as another bill containing the same matter has been favorably reported and is now before the Senate for consideration.

The bill seeks to secure better accommodations for the traveling public and to induce greater diligence in making railway connections.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, February 22, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 187, entitled:

"An act to amend Article 4227, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas, so as to compel railway corporations to take,

transport and deliver shipments within a reasonable time," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do lie on the table subject to call of the Senate, as another bill containing the same subject matter has been favorably reported and is now before the Senate.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 49, entitled:

"An act to regulate the rental allowance for the use of telephones and fixing a penalty for its violation," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

The object of the bill is to reduce the rates of rental for telephones to two dollars and fifty cents, and three dollars for each phone so rented and further provides the rates and regulations of communication or transmission of messages from one local station, or town or city, to another.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 221, entitled:

"An act to further define the crime of conspiracy and to prescribe the punishment for the commission thereof," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass."

The bill seeks to make it a felony for any officers, agents, or employes of any parallel, or competing railway companies in this State, to engage in what is commonly called "pooling," and fixes the punishment at not less than two years, nor more than five years, at hard labor in the penitentiary.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 220, entitled:

"An act to carry into effect section 5, Article 10, of the Constitution of the State of Texas, and to prescribe a penalty for the violation thereof," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 46, entitled:

"An act to compel railroad companies and other corporations to maintain public offices within the State of Texas, and providing records and books shall be kept thereat, and what said books shall contain, and requiring said books to be kept open for inspection, and providing appropriate penalties for a failure to comply herewith," have carefully considered the same, and instruct me to report it back to the Senate with the accompanying amendment, and to recommend that bill, so amended, do pass.

All of which is respectfully submitted.

GREGG, chairman.

COMMITTEE AMENDMENT.

Strike out all of section 1, except the enacting clause and insert the following:

Every railroad or other corporation organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business where transfers of stock shall be made and where shall be kept for inspection by the stock holders of such corporations books in which shall be recorded the

amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid and by whom, the transfer of said stock with the date of the transfer, the amount of assets and liabilities and the names and places of residence of its offices.

Bill read first time.

BY SENATOR HARRISON:

COMMITTEE ROOM, }

AUSTIN, February 23, 1887, }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Private Land Claims, to whom was referred House bill No. 172, entitled:

"An act to authorize and require the Commissioner of the Land Office to issue a patent to heirs of Wilhelm Kuhlman for 320 acres of land, located in Gillespie county on December 1, 1879, by virtue of scrip No. 5," have had the same under consideration, and a majority instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

BY SENATOR CALHOUN:

A bill to be entitled:

"An act to amend Article 2725 in title 48 of chapter 1 of the Revised Civil Statutes of Texas."

Referred to Committee on Public Printing.

The bill provides for the distribution of Supreme and Appellate Court reports to each Justice of the Supreme Court, the Judges of the Court of Appeals, Attorney General, Assistant Attorney General, Governor, the District Judges, the law professors of the University, the University Librarian, to each county judge, the Circuit Judge of the United States for Texas, and United States District Judges for Texas, etc., etc.

BY SENATOR M'DONALD:

A bill to be entitled:

"An act to create the office of District Attorney for the Sixth Judicial District of the State of Texas, and to regulate the respective duties of such District Attorney and of the county attorneys in said district."

Referred to Judiciary Committee No. 2.

BY SENATOR BURGESS:

A bill to be entitled:

"An act to amend Article 3454, title 68, of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

The bill provides that the business of a partnership may be conducted under the name of any one or more of either the general or special partners of such firm, and if the name of any special partner be so used, it shall be so expressly stated, etc.

BY SENATOR FRANK:

A bill to be entitled:

"An act to amend an act authorizing the refunding from the State Treasurer from deposits made to special funds, to parties who may have paid the same in error, and who may have paid the same in error, and who may have received no consideration therefor, approved April 14, 1883."

Referred to Committee on Public Lands.

BY SENATOR JARVIS:

A bill to amend Article 4247, chapter 10, title 84, Revised Civil Statutes.

Referred to Committee on Internal Improvements.

The bill seeks to prevent combinations by railway companies.

By leave

SENATOR BELL

Sent up the following Committee report:

COMMITTEE ROOM. }

AUSTIN, February 23, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 275, entitled:

"An act to create the office of District Attorney for the Sixth Judicial District of the State of Texas, and to regulate the respective duties of such District Attorney and of the County Attorney in said district," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

On motion of Senator Field,
Senate bill No. 141:

"An act to diminish the civil jurisdiction of the county court of Brazos county, and to conform the jurisdiction of the District to such change," was taken up out of its regular order, read third time, and passed by the following vote:

YEAS—14.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Claiborne,	MacManus,
Davis,	Pope,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Upshaw,
Frank,	Woods.
Glasscock,	

NAYS—none.

ABSENT—2.

Camp, Garrison.

SENATOR FRANK

Sent up the following privileged report:

SENATE CHAMBER, }
AUSTIN, TEXAS, February 23, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined Senate bill No. 226, entitled:

"An act to reorganize the Twenty-eighth Judicial District of the State of Texas; and to provide the times for holding the District Court therein," and find the same correctly engrossed.

FRANK, chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 23, 1887. }
Hon. T. B. Wheeler President of the Senate:

I am instructed by the House to inform the Senate of the passage by the House of the following House bills:

No. 52. "An act to amend title 95, of the Revised Statutes, by adding thereto articles 4710a, 4710b, 4712a, 4748a, 4763a and 4765a, and by

amending articles 4740, 4744, 4746, 4747, 4748 and 4761, so as to provide for a more thorough and efficient assessment of property and the collection of taxes thereon."

No. 124. "An act to amend article 3635, title 73, of the Revised Civil Statutes."

No. 129. "An act to amend article 339, chapter 4, title 10, of the Penal Code."

No. 130. "An act to amend article 431, chapter 3, title 7, Code of Criminal Procedure of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure of the State of Texas,' passed February 21, 1879."

WILL LAMBERT, chief clerk,
House of Representatives.

The president referred House bills Nos. 52 and 124, to Judiciary Committee No. 1, and House bills Nos. 129 and 130, to Judiciary Committee No 2.

By leave:

SENATOR POPE

Sent up the following committee report:

COMMITTEE ROOM, }
AUSTIN, February 23, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Public Lands, to whom was referred House bill No. 304, entitled:

"An act extending for ten years the payment of the principal of the purchase money for lands purchased under the two acts of the Legislature herein named," have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE, chairman.

Bill read first time.

On motion of Senator Bell,
Senate bill No. 129.

"An act to authorize counties, cities and towns in this State which have issued bonds to aid in the construction of railroads and other internal improvements, to adjust their rate of taxation so as to provide for the payment of the interest and sinking fund on the same," was taken up out of its regular order and read second time with favorable report.

SENATOR BELL

Explained the bill and it was passed to engrossment.

On motion of Senator Bell,
The constitutional rule was suspended, and the bill was placed on the third reading by the following vote:

YEAS—26.

Abercrombie,	Gregg
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Claiborne,	McDonald,
Davis,	MacManus,
Douglass of J,	Pope,
Douglass of G,	Simkins,
Field,	Stinson,
Frank,	Upshaw,
Glasscock,	Woods.

NAYS—none.

ABSENT—3.

Burges,	Garrison.
Camp,	

The bill was read third time and passed by the following vote:

YEAS—27.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Claiborne,	MacManus,
Davis,	Pope,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Upshaw,
Frank,	Woods.
Glasscock,	

NAYS—none.

ABSENT—2.

Camp,	Garrison.
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On motion of Senator Douglass of Jefferson,

Senate bill No. 259:

"An act to amend an act passed by the Nineteenth Legislature, entitled an act to amend section 9 of an act entitled an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November," passed

at the regular session of the Eighteenth Legislature."

Was taken up out of its regular order, read the second time with favorable report, and ordered engrossed.

On motion of Senator Houston.

House bill No. 304.

"An act extending for ten years the payment of the principal of the purchase money for lands under the two acts of the Legislature herein passed," was taken up out of its regular order, and the constitutional rule requiring bills to be read on three several days was suspended and the bill was placed on its second reading by the following vote:

YEAS—25.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Claiborne,	MacManus,
Davis,	Pope,
Douglass of J.	Simkins,
Field,	Upshaw,
Frank,	Woods.
Glasscock,	

ABSENT—4.

Camp,	Garrison,
Douglass of G,	Stinson.

SENATOR ARMISTEAD

Opposed the engrossment of the bill.

SENATORS HOUSTON, BELL AND CALHOUN

Favored it.

The bill was ordered engrossed.

On motion of Senator Burney, House bill No. 88.

"An act to establish the western boundary of Edwards county," was taken up out of its regular order.

SENATOR BURNEY

Offered the following amendment:

Amend section 3, by striking out the words "the passage of" "and when" in line 4, and the word "it" in line 5.

The amendment was adopted and the bill passed to its third reading.

(Senator Jarvis in the chair.)

The Senate resumed consideration of Substitute Senate bill No. 22 (the railway commission bill), with the amendment of Senator Gregg pending.

The amendment was adopted.

(The President in the chair.)

SENATOR CLAIBORNE

Moved to amend section 6 by inserting next after the word "State," in line 12, "and shall make just and reasonable rules and regulations to compel each to receive the other's passengers, tonnage and cars, loaded or empty, and transport and deliver the same without delay, and fix fair and reasonable charges therefor."

Adopted.

SENATOR BURNEY

Offered the following amendment:

"Amend section 7 by adding after the word 'shall' in line 6 the words 'be prima facie evidence.'"

"And to strike out in line 11 the word 'sufficient,' and the word 'evidence' in line 12."

SENATOR GREGG

Offered the following substitute for the amendment:

"Amend section 7, line 11, by striking out word 'sufficient' and inserting in lieu thereof the words 'prima facie.'"

SENATOR BURNEY

Opposed the substitute, and Senator Gregg withdrew it.

SENATOR WOODS

Offered the following substitute for the pending amendment:

"Amend section 7, line 11, by striking out 'sufficient,' and inserting, 'prima facie.'"

SENATOR WOODS

Explained the substitute and it was adopted as a substitute for the amendment, and as a part of the bill.

SENATOR GREGG

Moved to "Amend section 10, by striking out all after word 'commissioners,' in line 4, down to and including word 'notice' in line 9,"

SENATOR GREGG

Explained the amendment, and it was

Adopted.

SENATOR GREGG

Moved to amend section 10 by inserting after word "sections" and "4," the word "3."

Adopted.

SENATOR M'DONALD

Offered the following amendment:

Amend by adding to the bill section 17, that nothing in this act shall apply to the carriage, storage or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets, nothing in this act shall be construed to prohibit any railway company from giving rates to ministers of religion or of charity; nothing in this act shall be construed to prevent railway companies from giving free carriage to their own officers and employes, or to prevent the principal officers of any railway company or companies from exchanging passes or tickets with other railway companies for their officers and employes; but the giving, in any manner whatsoever, of reduced rates for freight or passenger carriage or of free passes, tickets or transportation, except as herein allowed, is hereby prohibited and made unlawful.

And any railway company which, by any officer, agent, servant, employe or attorney may violate, directly or indirectly, in any manner whatsoever, any of the provisions of this section, shall be liable to a penalty not less than one thousand nor more than five thousand dollars, to be recovered in any court of competent jurisdiction in a civil action, to be instituted by any person giving information thereof; one-half of such penalty to go to the informer and the other half to the State of Texas.

SENATOR GREGG

Offered the following amendment to the amendment:

Amend by striking out the words "or of free passes tickets or transportation."

SENATOR FIELD

Opposed the amendment.

The amendment offered by Senator Gregg was lost by the following vote:

YEAS—9.

Abercrombie,	Gregg,
Burges,	Houston,
Calhoun,	MacManus,
Davis,	Stinson.
Douglass of J,	

NAYS—18.

Allen,	Jarvis,
Armistead,	Knittle,
Bell,	Lane,
Burney,	McDonald,
Douglass of G,	Pope,
Field,	Sinkins,
Frank,	Terrell.
Glasscock,	Upshaw,
Harrison,	Woods.

ABSENT—2.

Camp,	Claiborne.
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SENATOR BURGESS

Moved to amend the amendment by striking out the last eighteen lines of the amendment.

(Senator Claiborne in the chair.)

SENATOR M'DONALD

Offered the following substitute for the last amendment:

Substitute for pending amendment of Senator from Gaudalupe, by striking out of the original amendment all after the word "dollars," in line 9 and page 3, and insert the following: "To be recovered and enforced as provided for in section 10 of the bill."

Adopted.

(The President in the Chair.)

The amendment, as amended, was Adopted by the following vote:

YEAS—20.

Abercrombie,	Gregg,
Allen,	Harrison.
Bell,	Houston,
Burges,	Jarvis,
Burney,	Knittle.
Davis,	McDonald,
Douglas of J,	Pope,
Field,	Sinkins,
Frank,	Terrell,
Glasscock,	Woods.

NAYS—7.

Armistead,	Lane,
Calhoun,	Stinson.
Claibourne,	Upshaw.
Douglass, of G.,	

ABSENT—3.

Camp,	MacManus.
Garrison,	

SENATOR ARMISTEAD

Sent up the following reasons to be printed in the Journal:

"I vote 'no' on the McDonald amendment because it is clear to my mind that with the present temper of the Senate its adoption would secure the final defeat of the Railroad Commission bill. ARMISTEAD."

"The above expresses my reasons for voting 'no.' STINSON."

On motion of Senator Woods, Senator Garrison was excused for the day, on account of sickness.

On motion of Senator Pope, Senator Camp was excused from Monday morning until to-morrow.

On motion of Senator Houston, Senator Stinson was excused from Monday morning until to-day, on account of important business.

SENATOR DOUGLASS OF GRAYSON,

By leave,

Sent up the following special committee report:

REPORT OF THE PENITENTIARY VISITING COMMITTEE.

Hon. T. B. Wheeler, President of the Senate and Hon. George C. Pendleton, Speaker of the House of Representatives:

Your joint committee of the Senate and House, appointed under House concurrent resolution passed January 25, 1887, to investigate the management, condition and operation of the Texas State Penitentiaries and to make any recommendations pertaining thereto which they may find, after such examination, to be necessary, beg leave to submit the following report:

At a meeting of said committee, at which a quorum was present, Hon. H. L. Tate, of the House, was selected as chairman. The committee decided to first proceed to the convicts' camps on the plantations on Oyster Creek. Leaving Austin, Monday we reached the plantations of Col. E. H. Cunningham and Col. L. A. Ellis Tuesday morning.

These plantations are situated in Fort Bend county, 28 miles west of Houston, on the Sunset railway. At Col. Cunningham's place we found the prison accommodations ample, good, clean, thoroughly ventilated, comfortable and well kept. The food is good, well prepared, in wholesome variety and abundant, and none of the convicts had any complaints to make, saying that they were well treated. There

are 128 on this farm, and only one was sick, and he was ordered into Huntsville a month ago, but could not go on account of the severity of his illness, his complaint being kidney disease. He informed your committee that he had constant and careful medical attention. At Col. L. A. Ellis' we found 187 convicts, and all were treated as they were at the Cunningham place adjoining, and reported to us that they had plenty to eat, were well treated, and that their food was as well prepared as often as it is in families. They claim not to be overworked, harshly treated, nor excessively and cruelly punished. The negroes are worked on these farms exclusively, as they are on all the farms we visited.

THE STATE FARM—HARLEM PLACE.

Since the meeting of the last Legislature the State has purchased a large plantation known as the Harlem place, comprising about 2500 acres of rich land on the fertile banks of Oyster creek, in Fort Bend county. It is on the Sunset railway, the station of the farm being called "Harlem switch," and is about 34 miles from Houston. The price paid for the place was \$25,000, which included the land, most of which was under fence and about 1000 acres in cultivation, brick sugar house, with engine and sugar machinery, (old style), steam gin and press, together with ample barns, stables lots, etc., for provender, and stock. Since the State purchased the farm, new prisons with a hospital, have been erected, all the land has been fenced, draining ditches have been dug and more are being dug, and such improvements are being carried on, under the able management of Capt. R. J. Ransom, the farm manager as will make this one of the best and most valuable plantations in the State.

The new prison is a double box-house, eighty feet long, twenty-five wide, with eighteen-foot high ceiling, comfortable, strong and well ventilated, capable of comfortably accommodating from 125 to 150 convicts. The hospital is at right angles to the prison, and runs east and west to the south of the prison proper. It is like the prison being 50x25x18, with smooth double floor, and capable of comfortably accommodating about fifty patients without crowding. The kitchen and dining room are situated north of the prison and hospital and are kept clean. The food is abundant and is well prepared, as evidenced from what your

committee saw, and from the testimony of convicts, who were questioned after being told that the object of the committee was to better their condition where they had been unjustly treated either in the way of food, clothing, punishment, overwork, etc. There was no complaint offered here at all, except one negro said that several months ago he tried to escape and was whipped. He seemed to think he was illegally punished, and imagined, as do some others, who seem to think that no punishment is allowed by law for any misconduct whatever. This explanation is made because, at these farms, we found no other cause of complaint.

Capt. Ransom seems to be the right man in the right place. He has put the farm in thorough condition for the coming crop; has dug draining ditches from two to twelve feet deep where necessary to drain low places into Oyster creek; has had the plantation all fenced; has had over fifteen hundred acres thoroughly plowed and prepared for spring planting, and will plant this season as follows:

120 acres in sugar cane.

100 acres in oats.

300 acres in corn.

The remainder will be put in cotton.

This will give about 1000 acres in cotton, which is a very sure and large crop in that section. In regard to the sugar plant, as stated above, it is of the old kind, and is now available only for making molasses. If, after this year, it is intended to make sugar as well as molasses there, about \$25,000 will be needed to make this crop profitable, which amount, we are informed by the financial agent, Mr. W. G. Parish, and by the superintendent, Maj. T. J. Goree, and by the farm manager, Capt. J. R. Ransom, will be ample to put in a good plant of modern machinery sufficient to make up the yield of the plantation.

The class of convicts worked on this farm is what is called dead-head, or second-class, that is, convicts who are incapacitated, either by reason of youth, old age, sickness, being crippled, or other causes, from making what is called "full hands." There are now 69 convicts on this plantation, and only three were in the hospital. The physician had paid his visit to those the morning of our arrival, and they reported having had constant and careful medical attention. The per cent of sick we found to be very small for that section.

The punishment we found to be light, and not frequent, and is only given by the sanction of the prison inspectors, except in cases of insubordination where delay could not be practiced, and then each case is reported to the inspector in writing. About fifteen lashes is the average, as ascertained from the convicts themselves who had been the recipients of this favor.

When asked by one of the committee what the State could do to better their conditions, several convicts answered that they would like to have some Sunday-school and church literature. This, in the estimation of your committee, is a good suggestion, and one on which the State should act.

Capt. Ransom reports that he has not enough mules, there being only about fifty, including some of the old ones bought with the place. This, we are informed, will be attended to by Financial Agent Parish. Sufficient provender was purchased with the farm to run it until the coming crop is gathered, notwithstanding a large lot has been sent to Rusk.

In conclusion, your committee beg leave to report, concerning the purchase of this farm, that it is one of the best bargains made by the State, and too much praise cannot be accorded to ex-Financial Agent Brahan, and to Maj. T. J. Goree, the superintendent of the penitentiaries, and to the board of managers for making the purchase and putting it into operation.

THE RUSK PENITENTIARY.

Through the courtesy of Captain M. G. Howe, Receiver of the Houston, East and West Texas, and Shreveport railway, and through the kindness of Colonel W. S. Herndon, president, and Mr. J. G. Garrison, receiver of the Kansas and Gulf Short Line railway, your committee were enabled, by having seats offered in the private cars of the gentlemen named, to reach Rusk on the evening of February 9. The Rusk prison and works should be justly a pride to the State, since prisons are necessary adjuncts to any government. We cannot refrain right here from the remark that it is to be deplored that the people of Texas have so little knowledge of the value and extent of the plant here. The buildings of the prisons and shops are of hard sand stone and brick, are strong, comfortable and well kept.

The blast furnace is one of the most thoroughly equipped, and most successfully operated furnaces south of St.

Louis. Wednesday night we witnessed the grand spectacle of a run of twelve tons of iron, which was made into pigs. The ore is taken from beds near the prison, and is practically inexhaustible; and, as proof of the quality of the iron made here, we will state that Financial Agent Parish, after negotiating awhile, has created a demand for this Rusk pig in St. Louis, and at the great stove works of Quincy, Illinois, where he gets from \$1.50 to \$3 per ton more for this iron than the same grade of St. Louis or Northern iron brings in those same markets.

It will be remembered that at a former session of the Legislature some of a committee sent to visit this prison reported in favor of letting the blast furnace here remain idle for the reason that, in their opinion, it could never be made to pay because the ore was of such an inferior quality that iron would be unsalable if made from it, and because it would cost so much to procure coal (charcoal), on account of land for such purpose selling at such high figures, and being worthless when the timber was cut off, and could not be sold at any price. Your committee are happy to say that this report has not been verified, and that the operation of the "Old Alcalde" blast furnace has proven to be eminently a success. And your committee deem it only just to state that, to the ability and energy of Mr. R. A. Barrett, late of the Excelsior Iron Works, of St. Louis, more than to any one man, is due the great success of this furnace and of the Rusk iron industries. To this fact Financial Agent Parish and Superintendent Goree and all the shop foremen testified. He has oversight of all the iron outputs, and is so thoroughly competent that the people of Texas may feel proud and fortunate in possessing him as general manager of this branch of her industries.

The reports of Superintendent Goree and of ex financial agent Brahan contain all the information and data as to the success of this furnace, and your Committee deem it only necessary to add that they found that all that had been said of these industries was true, and that much more could have been said without overdrawing it. The out-put is about 30 tons per day, though the furnace built for only 25 tons.

THE PIPE FOUNDRY.

To the blast furnace has been added a pipe foundry. This is fitted with

molds, cases, travelers, heating and drying furnaces, a cupola, or furnace for melting iron. It is thoroughly equipped. The first run of pipes had been made a few days before we arrived. The pipes made here will run from twelve inches in diameter down to three inches. The quality of the pipes is of the very best, and will prove to be one of the most profitable branches of the iron industry. Mr. Barrett conceived the idea of making "runs" for pipes directly from the blast furnace instead of making pig first and remelting. It proved from the first experiment, entirely successful, and was the first time such a thing had been done in the United States. The great advantage claimed for this is that it will save the cost of fuel for the second heat as well as of two handling of material, if it does not make a much more superior quality of iron in the pipes, though this latter is not certain. It will, however, enable Rusk to turn out water and gas pipes of the very best quality at very low figures. This will give this department as much work as can be done, a market for all they make being assured with ordinary efforts to introduce the pipes.

FUEL AND TIMBER LANDS.

The question which caused even a hesitation about operating this furnace after the failure of Messrs. Comer & Feres to make it pay, was that of coal, and timber land from which to cut wood to make charcoal. Lack of railroad facilities rendering mineral fuel too high, it was thought that when owners of lands saw the State's necessities they would raise the price of lands, which, except for the timber, are useless, and that, after the State had cut the timber off, this land could not be sold for any price. Your committee found that while an exorbitant figure is not demanded for timber lands, they are proving to be very fertile after the timber is cut, and, after being cleared, can be sold again, on an average, for about what they originally cost. The timber lands of East Texas have, in the past few years, proven to be among our best sandy farming lands, light fertilizing being necessary only when a few crops have been raised.

THE FOUNDRY AND SHOPS.

Since the meeting of the last Legislature, the penitentiary managers have made a contract with the capitol con-

tractor, Mr. Gus Wilke, to make the castings for the new state house. Your committee saw the last column of the fourth story cast, and work is now progressing on the castings for the dome. This work is pronounced, by all iron men who have seen it, as well as by the contractor and members of the capitol syndicate who have seen it, to be the best work of the kind they have ever seen in the United States. It is up on the building, and speaks for itself. In addition to this work, the foundry is turning out a good quality of stoves, casting of which your committee saw made. The machine shops are fitted up with all the latest improvements necessary to finish up all castings made at the foundry, and with perhaps some small additions, will be prepared to do all work which might be needed to keep the blast furnace and foundry in remunerative operation all the time.

NUMBER EMPLOYED, AND IN HOSPITAL.

There are employed now, at Rusk, including those out on the coaling grounds, 593 convicts; of these we found only seventeen in the hospital, or a little less than four per cent. The hospital is under charge of Dr. W. G. Jameson, prison physician, who appears to be efficient, able and attentive.

FOOD AND CLOTHING.

In regard to food and clothing we found no ground for censure. Convicts are required to bathe their bodies and change their clothing at least once per week; and, if the work is dirty work, they change their clothing twice per week. Hearing a large number of convicts, in way of complaints, your committee have to report that the food is always in sufficient quantity, of general variety, but is not always prepared with the care one could wish. But, while this is so, we found, on careful investigation and close comparison, that considering the number of convicts to cook for, the cause for complaint of badly cooked food has been less than the same causes of complaints that occur in any family in the land. And, the convicts making the complaints testified that this had been corrected as soon as they reported the matter to the proper authorities.

From the prison rules, which we find are generally observed, we give the following in regard to food:

FOOD.

Section 1. The food of the convicts inside and outside the Penitentiary, shall be sufficient in quantity, of good quality, and well prepared; and the variety of food shall be substantially as follows:

Breakfast—Corn or flour bread, beef or bacon, and coffee (at least one-fourth of a pound of parched coffee to every ten convicts).

Dinner—Corn bread, beef or bacon, soup, and such garden or field vegetables as can be furnished. In the absence of vegetable there shall be furnished either navy beans, rice, dried apples or hominy; molasses shall be furnished to sweeten apples.

Supper—Flour or corn bread, beef or bacon.

Sec. 2. Flour bread, mixed with proper ingredients to make it healthful and palatable and ample in quantity, shall be furnished at least seven meals in the week. Molasses to be furnished daily.

In addition to the above, such articles of food must be furnished as are suitable and necessary for the sick and convalescent. Vinegar, salt and pepper shall be kept on the tables at all times.

Sec. 3. One-fifth of a pound of sound tobacco shall be furnished each convict per week.

Sec. 4. It shall be the duty of sergeants in charge of convicts to prevent any unnecessary waste of provisions.

Sec. 5. There shall be furnished for each convict at the prison proper and outside camps, one tin plate, one tin soup pan, one tin pint cup, and one knife, fork and table-spoon.

PUNISHMENTS.

From the general prison rules we give the following extract as a basis of our report on this part of our investigation.

Sec. 5. The severer modes of punishment, and especially whipping, shall only be resorted to after milder means have failed to bring the offender to terms. A sergeant desiring an order to whip a convict, must make an application in writing to the inspector, stating fully the offense, and that other means had been tried and failed to produce the desired effect.

Sec. 6. In whipping, a leather strap, about two and a half inches wide and two feet long, fastened in a wooden handle, shall be used, and care must be taken not to break the skin.

Every officer inflicting this or any other punishment, will be held to a strict account that it is not abused.

Sec. 9. At outside camps, sergeants alone are authorized to inflict punishment, and their authority shall not be delegated to a guard, nor to any one else.

Sec. 10. A guard inflicting punishment, even by order of the sergeant, shall be promptly discharged.

Sec. 11. No convict shall be made in any manner to punish another convict.

At this prison we found some very serious infractions of the above rules in regard to punishment, where convicts had been severely punished. This was found to have resulted from the malicious and vicious spirit of guards and under keepers, except in two cases, in which the assistant superintendent, Capt. F. P. O'Brien, had been a party to this excessive and unnecessary punishment.

It is but just to state, in this connection, that all the testimony elicited went to show that Superintendent Goree always put a stop to this kind of treatment whenever he was cognizant of it. To this all the convicts agreed. In the case where guards and sergeants have been unnecessarily severe, convicts testify that they have seldom reported to the superintendent or the assistant, and that where such reports have been made to Superintendent Goree, speedy and sure correction have followed in the way of censure or dismissal, or both.

WATER SUPPLY.

Your committee noticed that the water apparatus here is not efficient for fire protection. A stand pipe is needed to give a good pressure so as to force it to all parts of the prison and works, and to furnish a sufficient protection against fire, and so as not to depend on pumps as at present. The loss sustained by the disastrous fire since the meeting of the last Legislature would have more than paid for such a water apparatus.

(See recommendations.)

THE HUNTSVILLE PRISONS.

This is the headquarters of the Texas penitentiaries, and where are kept the offices of the superintendent and financial agent. Your committee are pleased to state that they found the office of the superintendent well systematized, the books better kept,

cleaner and in more order than ever before, as shown by comparison with the old systems, and everything so arranged that the history of each convict and of every transaction in the conduct of the prison could be readily found in a minute's time. The same was found at Rusk. The ex-financial agent, Haywood Brahan, left his office in thorough good shape, and everything is carried on in a systematic, business manner. The present financial agent, W. G. Parish, is a worthy successor to Major Brahan, and the business affairs of the Texas penitentiaries could not be placed in better hands.

NUMBER OF CONVICTS, AND THE HOSPITAL.

Being the headquarters, the sick, disabled and crippled from nearly all the camps and prisons are brought here for treatment, notwithstanding this, we found but thirty-two patients in the hospital. This included sick, convalescents and chronic cases, and, in giving great praise due to the prison physician, Dr. R. H. Bush, your committee feel that the best manner to do so is to say that the hospital, in its arrangement and the care with which it is kept, is the best we have ever seen in any similar institution. It is divided into wards so as to classify each disease. This gives separate departments to chronic cases, to contagious and epidemic cases and to convalescents. It is a model of cleanliness, and not an odor of any kind whatever was perceptible. The patients are furnished with food according to their condition and appetites while in the hospital, and in this respect fare as well as the patients in our best private and public hospitals.

WAGON AND BLACKSMITH SHOPS.

This department is in a flourishing condition. Wagons are turned out here in which the best of materials, superior workmanship and well seasoned timber combine to make a wagon for our home market without a superior anywhere. All work turned out of these shops is of the same class—the best, which will enable the State to compete with manufactories in these lines from any section of the north or east.

FURNITURE AND CABINET SHOPS.

While furniture and cabinet work of a fine quality is only made on special

order, these shops are turning out the kind of goods in this line which is in general demand in our markets, and which has heretofore been mainly supplied by St. Louis, Chicago, Cincinnati and Louisville. All work is guaranteed to be of the best workmanship, and of the finest and most thoroughly seasoned materials. This industry can undoubtedly be made to take on huge proportions in our markets, by being pushed in the proper manner, and can successfully compete with this line now furnished consumers in Texas by outside factories.

MESSRS. H. C. STILL & BRO.

These gentlemen are now the only ones working contract labor in any of the inside industries of the penitentiaries, and are engaged in the manufacture of saddletrees, stirrups, etc. They seem to be doing well, and the convicts they work speak in the highest terms of them. They are themselves hard working men, and set their convicts the example of earnest industry.

THE IRON WORKS AND MACHINE SHOPS.

No where in the south west, south of St. Louis, can there be found a more thoroughly equipped foundry and machine shop than is to be found here at Huntsville. It is very complete, and is under the management of Mr. C. H. Robinson, who is a thorough machinist, and an inventor of some of the most improved modern machinery. His hydraulic pump for the cotton press, suitable for farms, and capable of compressing a 500 pound bale into 16 inches, is being made at the shops here, and is meeting with ready sale at good profit to the penitentiary. These shops are turning out some of the best and handsomest steam engines we have ever seen anywhere. In addition to these, any and all kinds of pumps, engines and machinery can be turned out here. The foundry and machine shops are fitted up with the latest and most improved machinery, and nothing will prevent this from becoming one of the most famous machine works of the South except a failure to provide the necessary funds to put its product on the market. A good commercial traveler, sent out to represent these shops, could soon work up a large trade for all the products of this prison in its wood, furniture, wagon and iron departments, as they turn out only the very best of

everything. made of the best materials and of the finest workmanship. (See recommendations.)

CLOTHING, BOOTS, SHOES, BEDDING, ETC.

As has been known for thirty years or more, the cloth factory of this prison turns out cotton and wool cloth sufficient to supply all the convicts of the State with clothing and bedding. It needs new machinery in the carding and spinning departments, especially for wool. The cloth made is of good quality, and is half wool and half cotton for winter clothing. Mattresses and quilts, sheets and towels, are also made for all the prisons and camps of the State. The shoe department is thoroughly equipped, and is under a competent foreman, who has been there for years. We found all the shops under competent men, and must commend the management for their wisdom in these selections.

FOOD AND CLOTHING.

The same remarks under this head concerning the Rusk prison will apply here, except we found no complaints about cooking. Cleanliness and comfort seem to be the motto running all through the prison management, both as regards clothing and the persons of convicts, and variety, abundance and good cooking in the matter of food. Your committee ate of the food prepared for the convicts, and found it superior to that furnish by many inns and taverns, for which the wayfarer has to pay \$2 per day. All the convicts interviewed, and they were many, testified that no preparations had been made in this respect for the committee's visit, but that the food and prison were as they always were.

That the food was always of good quality, in sufficient variety, and well prepared, as a general rule. We found the cells, chapel, halls, yards, sinks, etc., in a perfectly clean condition, and were assured by the convicts that the assistant superintendent, Captain B. E. McCulloch, always kept them so. In regard to Captain McCulloch, your committee deem it only just to remark that all the convicts appeared anxious to testify in his behalf, as to his kindness to those who endeavored to obey prison rules, and of his firmness and justice where discipline was necessary. He is most unquestionably the right man in the right place. He allows no swearing and abuse of prisoners by guards or other subordinates, and all convicts testified that no such

complaints could be made concerning the Huntsville penitentiary.

PUNISHMENTS.

We are happy to be able to make a short report under this head here. No complaints whatever were made in regard to punishment.

WATER SUPPLY.

There is a standpipe here sufficient to give all the force needed to supply the prison and to furnish fire protection. But the water supply is inadequate in quantity and is not as wholesome as it should be. The wells seem to be impregnated with some kind of mineral which is not healthy. The great need is for more wells and purer water. Financial Agent Parish and the superintendent, Major Goree, are in correspondence with a well boring company who will undertake to guarantee a sufficient flow of the best water.

THE HUNTSVILLE FARM.

This is the name generally given to the Wynne farm, purchased in 1883, and situated two and one-half miles northwest of Huntsville, and used for working convicts who are unable to go off to the camps and farms at a distance, and who, but for this farm, would be a dead expense to the State. As it is, this kind of labor works this farm so as to raise all the corn, fodder, oats, green vegetables, potatoes (sweet), onions, etc., needed both at Huntsville and on the farm and in the camps where wood is being cut, besides having some to sell. A very fine orchard has been planted, and will, in a few years, furnish an abundance of fruit for the prisons. Near this farm is the Johnson farm, used for working the female convicts, only a sufficient number of males being worked to perform the heavy labor. The farm is worked on shares. The convicts on these farms report that they are well treated, have an abundance of food, comfortable clothing, and are never abused nor maltreated, and said they had no grounds for complaining.

THE WOOD CAMPS.

Convicts from out on the wood and coaling camps report that they receive about the same treatment as in the prison, except that badly cooked food is given them more frequently than in prison, but that this is corrected whenever it is reported to the sergeant in charge of the camp.

THE FARM LABORERS.

Your committee visited the farms on the Brazos river, in Robertson county, on which convicts are hired to do the work. It is not deemed necessary to make a separate report on each, as all were found to be about as well provided for as if in the prison walls, with the exception that they all said that they were better satisfied there than they were in prisons. These convicts are all negroes, as well as all we visited on farms. They are comfortably housed, clothed and fed abundantly; the sick, when there are any, are well cared for, and no complaints were made at all. They are made to bathe their bodies and change their clothing once per week. We found the number employed on these farms to be as follows:

H. R. Hearne, 55.
H. L. Lewis, two camps, 109.
W. W. Watts, 53.
R. J. White, 71.
Ed. Wilson, 47.
Wm. Hearne, 130.

The last named farm is worked on shares, and is worked by dead-head labor, as explained under the remarks concerning the State farm on Oyster creek, in Fort Bend county.

Your committee were notified at Hearne that a committee of citizens of that town wished to have an interview with them and present them with arguments showing why the State should not allow more than a certain number of convicts to be quartered in any one county. We sent word that we would hear them when we had gone over the farms. On returning to the town of Hearne, no one appeared before us. We mention this simply because this hearing was asked in the name of the citizens of Hearne and granted by us as a part of the Legislative committee having such matters under consideration; and, though feeling that such complaints as we were notified would be made were more proper subjects for a protest or argument before the whole committees of the Legislature than for a committee simply investigating the workings of State prisons, we did not wish the impression to go abroad that we refused to hear what might be said. In order to meet with the committee as we agreed, your committee remained in Hearne until after the train for Austin had departed Monday afternoon, and had to return here via Waco.

GENERAL REMARKS.

In regard to transportation your

committee would say that one railroad offers very poor advantages in the way of transportation for the iron industries at Rusk, that road being a narrow gauge, and connecting with a standing gauge (the Missouri Pacific) sixteen miles north, and with the Central at Houston, over the Houston, East and West Texas (narrow gauge), a distance of 163 miles south. At Huntsville there is only one road, but it is a part of the Missouri Pacific system and the same cause of complaint does not exist. We should remark, however, that the managers of the Kansas and Gulf Short Line, at Rusk, have made as liberal arrangements, perhaps, as would have been made by any line in the country under the circumstances.

The chaplains of the prisons, Rev. W. L. Kennedy, at Huntsville, and Rev. J. C. Woolam, at Rusk, have been the means of doing much good, and their teachings have had a very perceptible effect in the way of improving the morals and general conduct of the prisoners, as a rule. It is the testimony of these gentlemen however, borne out by the observations and experience of superintendent Goree and his assistants, that good libraries and an assortment of religious and moral literature exert the very widest influence for good in this direction. The books and papers are very generally read, with eagerness and care, and the effect for good is very marked and rapid. More so, in fact, than is the preaching in the chapel. (see recommendations.)

We found life and long term convicts disposed to obey the rules, and to conduct themselves so as to avoid punishment, and to make a clean record. We found that most of the convicts looked upon our visit in the nature of a pardoning board, and numerous were their efforts to have us listen to their recitals of what they considered the injustice practiced on them in their conviction, and through sympathy, your committee was led into listening, to many such complaints, and were forced to believe that there are some men in the penitentiary, who would, on a close and impartial investigation, be released. Without friends, without money or influence, these will remain there unless philanthropic motives move the State to provide for such investigation as will leave no reasonable doubt as to their remaining justly or unjustly imprisoned, (see recommendations.)

RECOMMENDATIONS.

Your committee would respectfully make the following recommendations, concerning the Texas penitentiaries:

We recommend that an appropriation of not less than \$2500 be made to pay for boring artesian wells at Rusk, and that a sufficient amount be appropriated to erect suitable and efficient waterworks there. We would suggest that in boring for water, it could be ascertained if coal could be found in that section, thus prospecting for coal while boring for water.

We recommend that \$25,000 be appropriated for purchasing timber lands adjacent to Rusk, for the purpose of manufacturing charcoal therefrom. This land, as stated in our report, can be sold, after it is cleared of timber, for about the price the State paid for it originally.

We recommend that the Financial Agent employ a commercial traveler to represent the prison industries, and sell their products so as to work up this deserving and much-needed industry.

We recommend an appropriation of \$25,000 for the purpose of putting in modern sugar making machinery on the State farm in Fort Bend county, so as to be ready to convert the cane crop into sugar as well as into molasses after this year. The saving to the State in sugar and molasses would more than pay for this outlay with one good crop. In this connection we wish to commend the wisdom displayed in the purchasing of that farm, and urge that in view of the fact that to build walls for the confinement of all our convicts is an impossibility, owing to the enormous expense which would attend the same, the State make purchases of like nature at as early a day as possible. Sufficient farms should be immediately purchased to give employment to a certain class of convicts who are more suitable for farm than for any other kind of work, as work can be found for the other classes within the walls.

We recommend that all the convicts be employed within the walls as soon as they can be made self sustaining. The management of the penitentiaries inform the committee that the numbers employed within the walls will be very considerably increased in a short time.

We recommend an appropriation of \$50,000 for the purpose of buying up

timber to be used in the manufacture of wagons, furniture, etc. This appropriation will, really, be in the nature of an advancement on necessary appropriations to be made from time to time, as it will be only buying timber in 1888 to be used in 1891, when it is seasoned, and it is absolutely necessary to have seasoned timber with which to manufacture the class of goods named, if we would have them compete in the markets with factories outside of the State.

We recommend that an appropriation of \$250 per year be made to buy books for the prison libraries, and to purchase moral and religious literature to be distributed to convicts on the camps and at the farms.

We recommend that the State take some action towards building a railroad of standard gauge from Rusk to the Missouri Pacific railway at Jacksonville, or to other railway connections, in case satisfactory terms for transportation cannot be made with the road now running to Rusk.

Your committee would recommend the frequent use of executive clemency in the case of life and long term convicts, where such have been confined for a term of twelve or fifteen years, and have clean prison records; provided, their crimes were not such as showed an almost total moral depravity, such as deliberately killing a person for the purpose of robbery, etc. In this connection, we would also recommend that a pardoning board, or committee, be inaugurated for the purpose of visiting the penitentiaries and examining into doubtful cases, and looking into the prison records of the same, and into the conduct of life and long term convicts, and to make report thereon to the Governor for his action in extending executive clemency on the recommendation of such pardoning board or committee.

The report with accompanying recommendation, is respectfully submitted.

TATE,
MCCLANAHAN,
MCGEHEE,
For the House.
DOUGLASS,
GARRISON.
For the Senate.

SENATOR CLAIBORNE

Move to amend the title by inserting at the end thereof, "and enforce section 1, Article 10, of the Constitution of the State."

Adopted by the following vote:

YEAS—16.

Armistead,	Frank,
Bell,	Glasscock,
Burney,	Knittle,
Calhoun,	Lane,
Claiborne,	McDonald,
Davis,	Pope,
Douglass of J,	Sinkins,
Field,	Terrell.

NAYS—9.

Abererombie,	Jarvis,
Allen,	Stinson,
Burges,	Upshaw.
Douglass of G,	Woods.
Gregg,	

ABSENT—3.

Harrison,	MacManus,
Houston,	

SENATOR GLASSCOCK

Offered the following amendment:

Amend section 6, by adding after the word tariffs in line 3, the following words:

"Provided that rates of freight and passenger tariffs shall not be fixed lower than will prevent a net annual income of 15 per centum on the assessed value of said railroads as returned by said companies for assessment of Taxes."

SENATOR GLASSCOCK

Spoke in favor of the amendment.

SENATOR ARMISTEAD

Opposed the amendment.

SENATOR POPE

Moved to adjourn until ten o'clock to-morrow.

Lost.

SENATOR ARMISTEAD

Offered the following amendment to the amendment.

Strike out "assessed values," and insert of not less than sufficient to pay an annual income on the actual cost of building, construction and equipment of said railroad.

SENATOR STINSON

Opposed the amendment.

SENATOR ARMISTEAD

Withdrew the amendment to the amendment.

The amendment was lost by the following vote:

YEAS—6.

Burges,	Houston,
Burney,	Knittle,
Glasscock,	Lane,

NAYS—20.

Abererombie,	Gregg,
Allen,	Harrison,
Armistead,	Jarvis,
Bell,	McDonald,
Calhoun,	Pope,
Davis,	Simpkins,
Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woods.

ABSENT—2.

Claiborne,	MacManus,
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On motion of Senator Terrell,
House Bill No. 280:

"An act to amend sections 4 and 12 of an act, entitled an act, amendatory of and supplementary to the several acts, incorporating the city of Dallas, taking effect April 3, 1885, and to add thereto another section to be known as section 15a, and also to amend sections 25, 63, 84, 91, 94, 113, 126, 127, 133 and 179 of an act to incorporate the city of Dallas, approved August 9, 1876, and all amendments to said sections, by the amendatory acts of July, 9, 1879, April 3, 1881, and March 31, 1883, and to repeal all laws and parts of laws in conflict herewith," was taken up out of its regular order, read second time and order engrossed.

By leave, Senator Houston,

Sent up petitions from the citizens of Bell, Milam and Williamson counties, praying for the creation of the new county of Willie.

Referred to Committee on Counties and County Boundaries.

By leave Senator Burges sent petitions of officers of Kendall county against the restoration of the Civil and Criminal Jurisdiction of the county court of that county.

Referred to Judiciary Committee No. 1.

On motion of Senator Claiborne substitute House bill No. 75, amending the city charter of Galveston etc., was referred to Judiciary Committee No. 1.

On motion of Senator McDonald Senate bill No. 275.

"An act to create the office of district attorney for the sixth judicial district of the State of Texas, and to regulate the respective duties of such district attorney and of the county attorneys of said district," was taken up out of its order, and the constitutional rule was suspended and the bill was placed on its second reading by the following vote:

YEAS—26.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Davis,	MacManus,
Douglass of J.,	Pope,
Douglass of G.,	Simkins,
Field,	Stinson,
Frank,	Terrell,
Glasscock,	Woods.

ABSENT—2.

Claiborne, Upshaw.

The bill was read a second time and passed to engrossment.

On motion of Senator McDonald,

The constitutional rule was suspended, and the bill was placed on its third reading, final passage, by the following vote:

YEAS—26.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Claiborne,	McDonald,
Davis,	MacManus,
Douglass of J.,	Pope,
Douglass of G.,	Simkins,
Field,	Stinson,
Frank,	Terrell,
Glasscock,	Woods.

NAYS—none.

ABSENT—2.

Burges, Upshaw.

The bill was read third time and passed by the following vote:

YEAS—27.

Abercrombie, Allen,

Armistead,	Harrison,
Bell,	Houston,
Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Claiborne,	McDonald,
Davis,	MacManus,
Douglass of J.,	Pope,
Douglass of G.,	Simkins,
Field,	Stinson,
Frank,	Terrell,
Glasscock,	Woods.
Gregg,	

NAYS—none.

ABSENT—1.

Upshaw.

SENATOR LANE

Moved to adjourn until 3:30 o'clock p. m.

SENATOR POPE

Moved to adjourn till 10 o'clock tomorrow morning.

The last motion was adopted, and the Senate adjourned till 10 o'clock tomorrow morning.

THIRTY-NINTH DAY.

SENATE CHAMBER, }

AUSTIN, TEXAS, February 24, 1887. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator McDonald,

The reading of the Journal of yesterday was dispensed with.

SENATOR M'DONALD

Asked to have the Journal of yesterday corrected to show that his amendment in the last column of the sixth page—seventh line from the bottom—contained the word "giving" instead of the word "reduced" as printed.

And that his substitute for the amendment of Senator Burgess, in second column of seventh page, contained the written word, "dollars," and not "dealers," as printed, and that the substitute was endorsed, "accepted," instead of "adopted," as printed. (Journal corrected.)

On motion of Senator Jarvis,

Senator Abercrombie was excused for two days, on account of important business.